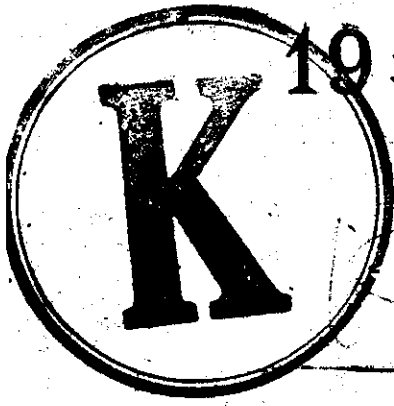




1951.

File No. Agrl. Pro. Mkts.

Legal Department

II/51. (R).

B.

BRANCH

Subject:— Rules under the Bombay

Agricultural Produce Markets

Act, 1939.

$\frac{P-H}{L}$

File No. Agrl. Pro. Markets II/51. (R)

Gen. 194 e.

218-B

Office of the R.L.A.

A revised draft notification is sent herewith.

2. Rule 5 of the Bombay Agricultural Produce Market Rules, 1924 as it exists today delegates the power conferred on the State Government by section 6(2)(b) of the Act to the Collector. Since the intention is that there should be no longer any delegation of the Government's power under the aforesaid provision of the Act and Government should themselves exercise that power and make the first nomination it would be ~~sufficient~~ sufficient if the Rule is deleted. No fresh rule delegating that power to Government is necessary.

Id/- J.R.D. 5/4

Remembrancer of Legal Affairs.

U.R. to D.D.No.5537,

dated the 6th April, 1951.

JPE.17/7/56.
4 copies.



Office of the R.L.A.

A revised draft notification is sent herewith.

In the draft notification as published for inviting suggestions from the public, the words beginning with "registered of deemed" and ending with the "the said area" are printed as if they formed part of clause (iii), In fact those words are common to all the three clauses of rule 3. The final x should be printed as shown in the revised draft notification sent herewith.

Id/- J.R.D.
25/5

Remembrancer of Legal Affairs.

U.R. to D.D.No.8296,

dated the 26th May 1951.

JPE.17/7/56.4c.

Office of the R.L.A.

The draft notification at page 59/C. as slightly amended is in order. As the amendment is substantial in that it shifts the liability to pay fees from the buyer to the importer, it would be necessary to republish the notification for inviting objections and suggestions.

Id/- J.RaD.
28/6

Remembrancer of Legal Affairs.

U.R. to D.D.No. 10409,

dated the 30th June 1951.

JPE.17/7/56.
4 copies.

Office of the R.L.A.

A revised draft notification is sent herewith subject to the following observations:-

2. The proposal of the Development Deptt. in so far as it authorises the Chief Marketing Officer or any officer subordinate to him to inspect the records, registers and working of a market Committee on the same lines as auditors are empowered to inspect the account-books is not in order. There is nothing in the rule-making section 26 which justifies the proposal. There are specific provisions ⁱⁿ of the Act for supervision and control of a market Committee. Clause (q) of sub-section (2) of section 26 of the Act enables Government to make rules for regulating the preparation and submission for sanction of the annual budget and the report and return to be furnished by a market Committee. Section 19 of the Act empowers Government to supersede a market Committee if in its opinion such a Committee is not competent to perform or persistently makes default in performing the duties imposed on it by or under the Act or abuses its power. The object of the proposed inspection in the words of the Chief Marketing Officer is "to bring about uniformity in their working by exercising rigid control and supervision over these markets". Such a rule would be ultra vires of the Act.

Id/- J.R.D.S
6/11

Remembrancer of Legal Affairs.

U.R. to D.D.No.17590,

dated the 6th November 1951.

Office of the R.L.A.

The view taken by the Development Department is not correct. Under the proposed draft notification, the period of 30 days would begin to run from the ⁴dte of the decision of a market committee. No discretion is left to an appellate authority to deduct the days taken by the Market Committee in communicating its decision to the person concerned. If this is intended it will be necessary to amend the proposed rule specifically.

Id/- J.R.D.
14/11

Remembrancer of Legal Affairs.

U.R. to D.D., No. 18182,

dated the 15th November 1951.

JPE.17/7/56.4c.